

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.¹

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Movant,

V.

CONSUL-TECH CARIBE INC,

Respondent.

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 9845, 9920, 9925,
10432, 10497, 10850, 10887, 11060,
11088**

(Jointly Administered)

FIFTH URGENT CONSENTED MOTION FOR EXTENSION OF DEADLINES

To the Honorable United States District Judge Laura Taylor Swain:

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), on behalf of the Commonwealth of Puerto Rico (the “Debtor”), pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017, respectfully submits this urgent consented motion for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in the *Order Granting Fourth Urgent Consented Motion for Extension of Deadlines* [ECF No. 11088] (the “Amended Scheduling Order”).²

Request for Relief

1. On January 13, 2020, Consul-Tech Caribe, Inc. (“Movant”), filed a *Motion for Allowance and Payment of Administrative Expense Claim* [ECF No. 9845] (the “Motion”), requesting that the Court enter an order directing the Debtor to pay the amount of \$5,120,772.50. Movant submits that the amounts allegedly owed by the Debtor are for post-petition services provided by Movant and thus, entitled to administrative expense priority. See, *Motion* at p. 6.

2. On February 18, 2020, the Court entered the Amended Scheduling Order which provides that responses to the Motion must be filed by April 1, 2020 and Movant’s reply by April 8, 2020.

3. While the Debtor has been working diligently to gather the necessary information in order to respond to the Motion, the circumstances surrounding the current COVID-19 pandemic and the Government lockdown have delayed the Debtor’s ability to finalize its analysis of the gathered information. Accordingly, the Debtor needs additional time to finalize this process. The additional time will also allow Movant and the Debtor to engage in good faith conversations to

² The Financial Oversight and Management Board for Puerto Rico, as the Debtor’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized AAFAF to file this Urgent Motion on behalf of the Commonwealth.

explore the possibility of a consensual resolution of the Motion. The Debtor reached out to Movant's counsel, who has consented to the requested extension.

4. Accordingly, the Debtor, with Movant's consent, proposes the following extensions of the deadlines set forth in the Amended Scheduling Order³:

- The court shall extend the deadline to respond to the Motion to **May 13, 2020**.
- The court shall extend the deadline for Movant to reply to an opposition, if any, to **May 20, 2020**.
- Unless otherwise agreed by the Debtor and Movant or determined by the Court, the Motion shall be heard in the Omnibus Hearing scheduled for **June 3, 2020**.

5. Pursuant to Paragraph I.H of the *Eleventh Amended Notice, Case Management and Administrative Procedures* [ECF No. 11885-1] (the "Case Management Procedures"), the Debtor hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

Notice

6. The Debtor has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) attorneys for the statutory committees appointed in these Title III cases; (e) the

³ The parties reserve their rights to seek further extensions of the deadlines.

Office of the United States Attorney for the District of Puerto Rico; (f) attorneys for the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;⁴ (i) all parties filing a notice of appearance in these Title III cases; and (j) Movant. A copy of the motion is also available on the Debtors' case website at <https://cases.primeclerk.com/puertorico/>.

7. The Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Debtor requests the Court enter the Proposed Order and grant it such other relief as is just and proper.

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Dated: March 24, 2020
San Juan, Puerto Rico

Respectfully submitted,

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⁴ The "Other Interested Parties" include the following: (i) attorneys for certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) attorneys for certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

*Attorneys for the Puerto Rico Fiscal
Agency and Financial Advisory Authority*

Exhibit A

Proposed Order